



February 22, 2006

ENGROSSED SENATE BILL No. 296

DIGEST OF SB 296 (Updated February 21, 2006 12:08 pm - DI 107)

Citations Affected: IC 5-2; IC 34-51.

Synopsis: Punitive damages. Permits the attorney general's office to negotiate and compromise the portion of a punitive damages award that is to be paid to the state. Provides that the state's interest in a punitive damages award is effective when a finder of fact announces a verdict that includes punitive damages.

Effective: July 1, 2006.

Kenley

(HOUSE SPONSORS — FOLEY, TORR)

January 9, 2006, read first time and referred to Committee on Judiciary.
January 19, 2006, amended, reported favorably — Do Pass.
January 23, 2006, read second time, ordered engrossed. Engrossed.
January 24, 2006, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 2, 2006, read first time and referred to Committee on Judiciary.
February 21, 2006, amended, reported — Do Pass.

C
o
p
y

ES 296—LS 6855/DI 107+



February 22, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 296

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.1-41 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists
3 of amounts deposited under **IC 5-2-6.3-6(b)(3)**, **IC 11-10-7-5**,
4 **IC 11-10-8-6**, IC 33-37-7-9, **IC 34-51-3-6**, and IC 35-50-5-3 and
5 appropriations from the general assembly.

6 SECTION 2. IC 34-51-3-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as
8 provided in IC 13-25-4-10, when a ~~judgment finder of fact announces~~
9 **a verdict** that includes a punitive damage award ~~is entered~~ in a civil
10 action, the party against whom the judgment was entered shall ~~pay the~~
11 ~~punitive damage award to the clerk of the court where the action is~~
12 ~~pending.~~ **notify the office of the attorney general of the punitive**
13 **damage award.**

14 (b) When a punitive damage award is paid, the party against
15 whom the judgment was entered shall pay the punitive damage
16 award to the clerk of the court where the action is pending.

17 (b) (c) Upon receiving the payment described in subsection (a), the

ES 296—LS 6855/DI 107+



C
o
p
y

1 clerk of the court shall:

2 (1) pay the person to whom punitive damages were awarded
3 twenty-five percent (25%) of the punitive damage award; and

4 (2) pay the remaining seventy-five percent (75%) of the punitive
5 damage award to the treasurer of state, who shall deposit the
6 funds into the violent crime victims compensation fund
7 established by IC 5-2-6.1-40.

8 **(d) The office of the attorney general may negotiate and**
9 **compromise a punitive damage award described in subsection**
10 **(c)(2).**

11 **(e) The state's interest in a punitive damage award described in**
12 **subsection (b)(2) is effective when a finder of fact announces a**
13 **verdict that includes punitive damages.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 296, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 296 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under **IC 5-2-6.3-6(b)(3)**, **IC 11-10-7-5**, **IC 11-10-8-6**, IC 33-37-7-9, **IC 34-51-3-6**, and IC 35-50-5-3 and appropriations from the general assembly."

Page 1, line 5, after "shall" delete ":".

Page 1, line 6, delete "(1)".

Page 1, line 6, strike "pay the punitive damage award to the clerk of the court where".

Page 1, line 7, strike "the action is".

Page 1, line 7, delete "pending;" and insert "~~pending~~".

Page 1, line 7, delete "and".

Page 1, line 8, delete "(2)".

Page 1, run in lines 5 through 8.

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"(b) When a punitive damage award is paid, the party against whom the judgment was entered shall pay the punitive damage

C
o
p
y



award to the clerk of the court where the action is pending."

Page 1, line 10, strike "(b)" and insert "**(c)**".

Page 2, line 1, delete "(c)" and insert "**(d)**".

Page 2, line 3, delete "(b)(2)." and insert "**(c)(2).**".

Page 2, line 4, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 296 as printed January 20, 2006.)

FOLEY, Chair

Committee Vote: yeas 7, nays 3.

**C
o
p
y**

